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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,412	08/18/2003	Paula G. Ray	STG-100-A	1470

7590

10/07/2005

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EXAMINER

RESTIFO, JEFFREY J

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Office Action Summary*

Application No.

10/642,412

Applicant(s)

RAY ET AL

Examiner

Jeffrey J. Restifo

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 9-12, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fruechtenicht (US 6,279,929 B1).

With respect to claims 1, 11, 12, 14, and 15, Fruechtenicht discloses a scooter 10 comprising a front wheel assembly including a front axle 12, front wheel 11 with wheel, suspension means (or spoke plate) and rim (not numbered), a front wheel fork assembly including front fork members 13, a straight head tube 14, a handle bar assembly 16 with left and right handles 17a,b, said handle extending through the head tube for steering said front wheel fork, a straight down tube 24, forming an angle of approximately 40 degrees with said head tube, a rear wheel assembly including a rear axle 32, a rear wheel 31 with rim, suspension means (or spoke plate), and tire (not numbered), first and second parallel, square deck support members 24a,c, to support a rider deck 21 forming an angle of approximately 110 degrees with said down tube, and a rear fork assembly including a pair of rear fork members 24a,c and forming an angle of about 145 degrees, as shown in figures 1-5.

With respect to claim 2, Fruechtenicht recites the tires as being air-filled in column 5, line 8.

With respect to claims 3-6, Fruechtenicht recites the frame as being able to be formed from a chrome alloy in column 5, lines 61-63.

With respect to claims 9 and 17, Fruechtenicht discloses the wheels as able to have a 20 inch diameter and the rider deck as being at least 4 inches from the ground in column 5, lines 1-4.

With respect to claims 10 and 16, Fruechtenicht discloses a brake means including a brake pad (not numbered), actuating means with hand controllers 18a,b and cable (not numbered), as shown in figures 1 and 2 and recited in column 5, lines 44-52.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fruechtenicht, as applied to claim 14.

Fruechtenicht does not disclose the length from axle-to-axle as being 4:1 relative to the wheel diameter. Fruechtenicht disclose the scooter as able to have a range of lengths and therefore it would have been obvious to one having ordinary skill in the art

at the time of the invention to have made the scooter length of Fruechtenicht between a ratio of 4:1 to 5:1 in order to have a longer scooter for larger users.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fruechtenicht, as applied to claim 12 above, and further in view of Dickson et al. (US 5,992,864 A).

Fruechtenicht does disclose reinforcing means comprising an upper plate (not numbered) and a lower plate 22c, as shown in figures 1 and 3. Fruechtenicht does not disclose a cross plate between the rear forks. Dickson et al. does disclose a scooter 10 with rear forks 38, 40, and cross plate 52, as shown in figure 5. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the scooter of Fruechtenicht with the cross plate of Dickson et al. in order to prevent the rear forks from bending inward.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fruechtenicht, as applied to claim 1 above, and further in view of Humlong (US 4,282,993 A).

Fruechtenicht does not disclose a bracket on said head tube for supporting a basket. Humlong does disclose a bracket 70 secured to a head tube 24 for supporting a basket B, as shown in figure 2. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the scooter of Fruechtenicht with the bracket of Humlong in order to support a basket for transporting items.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F (10:00-6:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Restifo', with the initials 'JJR' written below it.

Jeffrey J. Restifo  
Examiner  
Art Unit 3618